

## ARBITRATION

*Convention and exchange of notes signed at Monrovia February 10, 1926*

*Senate advice and consent to ratification June 30, 1926*

*Ratified by the President of the United States July 16, 1926*

*Ratified by Liberia September 22, 1926*

*Ratifications exchanged at Monrovia September 27, 1926*

*Entered into force September 27, 1926*

*Proclaimed by the President of the United States September 30, 1926*

44 Stat. 2438; Treaty Series 747

### ARBITRATION CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND LIBERIA

The Government of the United States of America and the Government of the Republic of Liberia, being desirous of establishing a means for referring to arbitration questions arising between them which they shall consider possible to submit to such treatment, have named as their Plenipotentiaries for that purpose, to wit:

The President of the United States of America:

Clifton R. Wharton, Chargé d'Affaires ad interim of the United States at Monrovia; and

The President of the Republic of Liberia:

Edwin Barclay, Secretary of State of the Republic of Liberia;

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon the following Articles:

#### ARTICLE I

Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two Contracting Parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Conventions of July 29, 1899<sup>1</sup> and October 18, 1907,<sup>2</sup> provided, nevertheless, that

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<sup>1</sup> TS 392, *ante*, vol. 1, p. 230.

<sup>2</sup> TS 536, *ante*, vol. 1, p. 577.

they do not affect the vital interests, the independence, or the honor of the two Contracting States, and do not concern the interests of third Parties.

## ARTICLE II

In each individual case the High Contracting Parties, before appealing to the Permanent Court of Arbitration, shall conclude a special Agreement defining clearly the matter in dispute, the scope of the powers of the arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure. It is understood that on the part of the United States such special arrangements will be made by the President of the United States, by and with the advice and consent of the Senate thereof, and that on the part of Liberia they shall be subject to the procedure required by its laws.

## ARTICLE III

The present Convention shall be ratified by the Contracting Parties in accordance with their respective constitutional methods. It shall come into force on the day of the exchange of the ratifications, which shall take place at Monrovia as soon as possible, and shall remain in force for a period of five years. In case neither Contracting Party should give notice, six months before the expiration of that period of its intention to terminate the Convention, it will continue binding until the expiration of six months from the day when either Contracting Party shall have denounced it.

Done in duplicate at Monrovia, this<sup>th</sup> tenth day of February in the year one thousand nine hundred twenty-six.

CLIFTON R. WHARTON [SEAL]

EDWIN BARCLAY [SEAL]

## EXCHANGE OF NOTES

*The American Chargé d'Affaires ad interim to the Liberian Secretary of State*

LEGATION OF THE UNITED STATES OF AMERICA

*Monrovia, Liberia, February 10, 1926*

EXCELLENCY:

In connection with the signing today of a Convention of Arbitration between the United States of America and the Republic of Liberia, providing for the submission of differences of certain classes which may arise between the two Governments to the Permanent Court of Arbitration established at The Hague under the Convention for the Pacific Settlement of International

Disputes concluded in 1899 and 1907, I have the honor to state the following understanding which I shall be glad to have you confirm on behalf of your Government.

I understand that in the event of the adhesion by the United States to the Protocol of December 16, 1920,<sup>3</sup> under which the Permanent Court of International Justice was created at The Hague, the Government of Liberia will not be averse to considering a modification of the Convention of Arbitration which we are concluding, or the making of a separate agreement, under which the disputes mentioned in the Convention could be referred to the Permanent Court of International Justice.

Accept, Excellency, the renewed assurances of my highest consideration.

CLIFTON R. WHARTON  
*Chargé d'Affaires ad interim*

HONORABLE EDWIN BARCLAY  
*Secretary of State, Monrovia, Liberia*

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*The Liberian Secretary of State to American Chargé d'Affaires ad interim*

DEPARTMENT OF STATE  
*Monrovia, Liberia, February 10, 1926*

SIR:

I have the honour to acknowledge the receipt of your note of today's date, in which you were so good as to inform me, in connection with the signing of a Convention of Arbitration between the Republic of Liberia and the United States of America, that you understand that in the event of the adhesion by the United States to the Protocol of December 16, 1920, under which the Permanent Court of International Justice was created at The Hague, the Government of Liberia will not be averse to considering a modification of the Convention of Arbitration which we are concluding, or the making of a separate agreement, under which the disputes mentioned in the Convention could be referred to the Permanent Court of International Justice.

I have the honour to confirm your understanding of the attitude of the Government of Liberia on this point and to state that if the United States adheres to the Protocol, Liberia will not be averse to considering a modification of the Convention of Arbitration which we are concluding, or the making of a separate agreement, under which the disputes mentioned in

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<sup>3</sup> 6 LNTS 380.

the Convention could be referred to the Permanent Court of International Justice.

Accept, Sir, the renewed assurances of my highest consideration.

I have the honour to be, Sir,

Your obedient servant,

EDWIN BARCLAY

*Secretary of State*

THE AMERICAN CHARGÉ D'AFFAIRES A. I.,  
*American Legation, Monrovia, Liberia*